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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,611	03/01/2002	Robert E. Baker	11564.0050.NPUS00 (Former)	7955
7590 06/10/2004 HOWREY SIMON ARNOLD & WHITE 750 Bering Drive Houston, TX 77057-2198			EXAMINER ESTRADA, ANGEL R	
			ART UNIT 2831	PAPER NUMBER

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,611

Applicant(s)

BAKER ET AL.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 14, the new limitation says " a plurality of structural members forming a portion of an exterior surface of said cabinet, said structural members being attached to the panelboard", confusing and unclear. The best description for this limitation the Examiner could find was in page 9 lines 2-11, in those lines it clearly mentioned that the panelboard (4) is attached to an internal panel (15) and that the structural members (14) are affixed to the internal panel (15) to form the frame structure. There is no support in the specification that mentions that the panelboard (4) is attached directly to the structural members (14). The Examiner is assuming that the term "panelboard" is a single structure formed from the combination of the panelboard (4) and the internal panel (15).

Claims 2-13 and 15-21 are included because of their dependency.

Any further rejections of claims 1-21 in this office action are based on claims 1-21, as they are understood by the examiner.

PR 6/8/04

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-12, 14, 17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Garvin (US 2,480,568).

Regarding claim 1, Garvin discloses a remote distribution cabinet (see figure 2) comprising: at least one panelboard (46/45, 47/45) having a plurality of circuit breakers (68, or see column 6 lines 59-65); a plurality of structural members (22, 40a, 40b, 53, see figure 2) forming a portion of an exterior surface of said cabinet (see figure 3), said structural member being attached to the panelboard (column 5 lines 28-65), thereby forming a frame structure (see figure 2) including the panelboard (see figure 2 and 7); and a bottom member (32) attached to the structural members (see figure 2).

Regarding claim 4, Garvin discloses the remote distribution cabinet (see figure 2) further comprising at least one access panel (26 or 31) covering the plurality of circuit breakers (see figure 4 and 5).

Regarding claim 6, Garvin discloses the remote distribution cabinet (see figure 2) wherein said access panel (26 and 31) is adjustable to allow for a shift in the position of the circuit breakers (68) within the panelboard (26 and 31).

Regarding claim 7, Garvin discloses the remote distribution cabinet (see figure 2) comprising at least two panelboards (46/45, 47/45, or see figure 2) wherein one or more panelboards are arranged to receive power from different sources (see figure 5-7)

Regarding claim 8, Garvin discloses the remote distribution cabinet (see figure 2) further comprising a tie-breaker (see figure 7) for providing power from one of a plurality of sources to one or more panelboards (46/45, 47/45).

Regarding claim 9, Garvin discloses the remote distribution cabinet (see figure 2) further comprising a tie-breaker (see figure 7) for providing power from one of a plurality of sources to one or more panelboards (46/45, 47/45).

Regarding claim 10, Garvin discloses the remote distribution cabinet (see figure 2) comprising where a current monitoring unit (58) to measure the current of said at least one panelboard (see figure 7).

Regarding claim 11, Garvin discloses the remote distribution cabinet (see figure 2) further comprising at least one main circuit breaker (68 or see figure 7)

Regarding claim 12, Garvin discloses the remote distribution cabinet (see figure 2) further comprising an access panel (26, 31) separately covering each of the at least one panelboard (see figure 4 and 5), wherein when the access panel is removed, service can be performed on the at least one panelboard (46/45, 47/45) without exposing other energized components of the remote distribution cabinet (see figure 4 and 5).

Regarding claim 14, Garvin discloses a remote distribution cabinet (see figure 2) comprising: at least one panelboard (46/45, 47/45); a frame structure comprising a

plurality of structural members, each of said member forming a portion of an exterior surface of said cabinet; means (see figure 2) for incorporating said panelboard into said frame structure (column 5 lines 28-65).

Regarding claim 17, Garvin discloses the remote distribution cabinet (see figure 2) wherein the panelboard (46/45, 47/45) comprises a plurality of circuit breakers (68 or see column 6 lines 59-65) and the remote distribution cabinet (10) further comprises at least one access panel (31) covering the plurality of circuit breakers (see figure 1 and 2).

Regarding claim 19, Garvin discloses the remote distribution cabinet (see figure 2) wherein said access panel (31) is adjustable to allow for a shift in the position of the circuit breakers (68) within the panelboard (see figure 5).

Regarding claim 20, Garvin discloses the remote distribution cabinet (see figure 2) comprising at least two panelboards (46/45, 47/45) wherein one or more panelboards are arranged to receive power from different sources (see figure 7).

Regarding claim 21, Garvin discloses the remote distribution cabinet (see figure 2) further comprising a tie-breaker (see figure 7) for providing power from one of a plurality of sources to one or more panelboards (46/45, 47/45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvin (US 2,480,568) in view of Skirpan (US 5,202,538).

Regarding claim 5, Garvin discloses the claimed invention except for the access panel (31) allows visual inspection of the circuit breakers without opening the access panel. Skirpan teaches a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's access panel (31) of a material that allow visual inspection as taught by Skirpan to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

Regarding claim 13, Garvin discloses the claimed invention except for the access panel (31) allows visual inspection of the circuit breakers without opening the access

panel. Skirpan teaches a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's access panel (31) of a material that allow visual inspection as taught by Skirpan to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

Regarding claim 18, Garvin discloses the claimed invention except for the access panel (31) allows visual inspection of the circuit breakers without opening the access panel. Skirpan teaches a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's access panel (31) of a material that allow visual inspection as taught by Skirpan to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

4. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvin (US 2,480,568) in view of Stephens (US 4,296,574).

Regarding claim 2, Garvin discloses the claimed invention except a bottom member sized to fit the cabinet within a raised floor. Stephens teaches a cabinet (60) having a bottom member is sized to allow the cabinet to fit within a raised floor tile

space (see figure 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's cabinet with a bottom member sized to allow the cabinet to fit within a raised floor tile space as taught by Stephens to allowed the bottom of the cabinet to be supported by the raised floor supporting means to provide the cabinet with stability.

Regarding claim 15, Garvin discloses the claimed invention except a bottom member sized to fit the cabinet within a raised floor. Stephens teaches a cabinet (60) having a bottom member is sized to allow the cabinet to fit within a raised floor tile space (see figure 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's cabinet with a bottom member sized to allow the cabinet to fit within a raised floor tile space as taught by Stephens to allowed the bottom of the cabinet to be supported by the raised floor supporting means to provide the cabinet with stability.

Allowable Subject Matter

5. Claims 3 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 3 and 16 is:

Regarding claims 3 and 16 the prior art does not teach or fairly suggest in combination with the other claimed features a remote distribution cabinet comprising a

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junction box attached to the bottom member so as to be disposed beneath a raised floor.

This limitation was found in claims 3 and 16, and is neither disclosed nor taught by the prior art of record, alone or in combination

Response to Arguments

6. Applicants' arguments filed on April 13, 2004 have been fully considered but they are not persuasive.

a) In response to the applicants' arguments, regarding claims 1 and 14; the Applicants argue that Garvin (US 2,480,568) does not disclose attaching or incorporating a panelboard to a structural member that forms an exterior surface of a remote distribution cabinet. The Examiner disagrees because Garvin discloses a remote distribution cabinet (see figure 2); comprising a plurality of structural members (22, 40a, 40b, 53, see figure 2) attached to the panelboard (46/45, 47/45) thereby forming a frame structure (see figure 2) including the panelboard. Since the Applicant does not have any support in the specification that mentions that the panelboard (4) is directly attached to the structural member, the Examiner is treating the term "panelboard" a single structure formed from the combination of the panelboard (4) and the internal panel (15). The Examiner is doing the same with Garvin; the panelboards of Garvin are referred as the combination of the panelboard (46, 47) and bar (45). Notice now that the panelboard of Garving (46/45, 47/45) are attached to the frame

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structural members (53, 20, see figure 2), which form a portion of an exterior surface of the cabinet.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Craft et al (US 6,313,980), Holt et al (US 6,563,048), Frank (US 1,887,088), Barner et al (US 4,517,623), Lewis (US 5,627,720), Raabe et al (US 4,783,718) and Krause (US 3,618,804) disclose a distribution cabinet with panelboards.


8. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Angel R. Estrada

June 4, 2004

 6/8/04
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